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52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,333	04/25/2001	Brian William Hughes	10004547-1	7542

22879 7590 05/05/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ABRAHAM, ESAW T

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,333

Applicant(s)

HUGHES ET AL.

Examiner

Esaw T. Abraham

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to the applicant's amendments

This office action is in response to Applicants' amendment of 02/04/05.

In view of the amendment filed on 02/04/05 all objection to the claims 7, 14, 15 and 19 are withdrawn.

Detailed action

1. Claims 1-14 remains pending.
2. Claims 15-19 are allowed.

Claim objections

3. Claims 1 and 9 are objected to because of the following informalities:

Claim 1 recites , "A method for managing an error in a plurality of elements" **in the preamble**. CFR § 1.75 states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention or discovery. A method does not indicate what a subject matter the claims are directed to. The suggests that following ---A method managing an error in a **memory array of a plurality of memory elements**---

Claim 9 recites , "a computer program logic recorded thereon for managing and error in a plurality of elements" **in the preamble**. CFR § 1.75 states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention or discovery. A method does not indicate what a subject matter the claims are directed to. The suggests that following --- a computer program logic recorded thereon for managing an error in a **memory array of a plurality of memory elements**---

Claim Rejections - 35 USC § 101, Non Statutory

4. Claims 1 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to **non-statutory** subject matter because: the claimed invention are directed to non-statutory subject matter.

As per Claim 1:

The language of the claim 1 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101. For example, a method for managing error in a plurality of elements, the method comprising testing an element of the plurality of elements, detecting the error in the element [emphasis added] non-statutory since all of the steps in claim 1 can be carried out by an abstract computer system or by hand and has no clear relationship to any tangible object. Note: To overcome the type of 101 rejection the claim need to be amended to include the method of the managing errors directed to a system or method which identifies computer hardware device element failure occurring in a particular region of memory or other computer components.

As per Claim 9:

Claim 9 is directed to a data structure per se or computer program per se. See Warmerdam, 33 F.3d at 1361, 31 UPPQ2d at 1760 (a claim to a **computer program** pre se held non-statutory). When non-functional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy that practical

Art Unit: 2133

application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory.

Allowable subject matter

5. Claims **1 and 9** would be allowable if rewritten to overcome the claim objection and the rejection(s) under *35 USC § 101, Non Statutory*, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims **2-8 and 10-14**, which are directly or indirectly dependents of claims 1 and 9 would also be allowable if claims 1 and 9 overcome the claim objections and rejection(s) under *35 USC § 101, Non Statutory*.

Examiner's statement for reason for allowance

The following is an examiner's statement for allowance:

6. Claims **15-19** have been allowed.

As per claim 15:

The prior art (Maeda (U.S. PN: 5,568,408)) teach an automatic repair data editing system is associated with a repairing system for rescuing defective semiconductor memories fabricated on semiconductor wafers from rejection further the system edits repair data that is partially duplicated due to a trouble in the repairing system, and allows the repairing system to automatically carry out a repair work on the defective semiconductor memories (abstract). Further, the automatic repair data editing system comprising a repair data producing means (repair logic) for performing test sequence for each semiconductor integrated circuit fabricated on semiconductor wafers and for producing pieces of repair data used for rescuing defective

Art Unit: 2133

semiconductor integrated circuits, an editing means (compare circuitry) for comparing pieces of second identity data with pieces of first identity data to determine if the pieces of repair data contain duplicate pieces of repair data and the editing means further deleting the duplicate pieces from said pieces of repair data (claim 1). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious a repair logic that repairs a group of N elements of the plurality of memory elements, wherein N is greater than one, and the group of N elements includes the portion; and inhibit circuitry that prevents the repair logic from subsequently operating on the group o N elements. Consequently, claim 15 is allowed over the prior art.

Claims 16-19, which is/are directly or indirectly dependent/s of claim 15 are also allowable over the prior art of record.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Esaw Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are successful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/842,333

Page 6

Art Unit: 2133

Esaw Abraham

Esaw Abraham

Art unit: 2133



GUY LAMARRE
PRIMARY EXAMINER